

1 (Stipulating Parties Listed on Signature Pages)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

This Document Relates to:

*Schultze Agency Servs., LLC v. Hitachi, Ltd., et
al.*, No. 12-cv-02649.

**Case No. 07-5944 SC
MDL No. 1917**

**STIPULATION AND [PROPOSED]
ORDER REGARDING SCHULTZE
AGENCY SERVICES, LLC's STATE LAW
CLAIMS**

Plaintiff Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC (“Tweeter”) and the undersigned Defendants (together with Tweeter, the “Stipulating Parties”) hereby stipulate as follows:

WHEREAS, on November 4, 2013, Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic Components, Inc. moved to dismiss Tweeter’s First Amended Complaint (Dkt. No. 2108) (the “Motion to Dismiss”);

WHEREAS, Koninklijke Philips N.V., and Philips Electronics North America Corporation joined the Motion to Dismiss (Dkt. No. 2187);

WHEREAS, on March 13, 2014, the Court entered an order granting in part and denying in part the Motion to Dismiss (Dkt. No. 2436) (the “Motion to Dismiss Order”);

WHEREAS, the Court’s Motion to Dismiss Order dismissed with prejudice Tweeter’s claims under Massachusetts law as brought against Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., Toshiba America Electronic Components, Inc., Koninklijke Philips N.V., and Philips Electronics North America Corporation.;

WHEREAS, the undersigned Defendants were not parties to the Motion to Dismiss and Tweeter currently maintains claims under Massachusetts law against the undersigned Defendants;

WHEREAS, in order to minimize the burden on the Court, the Stipulating Parties wish to apply the Motion to Dismiss Order to Tweeter's actions against the undersigned Defendants to the extent the Motion to Dismiss Order dismissed Tweeter's claims under Massachusetts law;

WHEREAS, the Stipulating Parties agree that Tweeter shall preserve all rights, including all appellate rights, with respect to its claims under Massachusetts law;

IT IS HEREBY STIPULATED AND AGREED by and between counsel for Tweeter and the undersigned Defendants, subject to the concurrence of the Court, that:

1. The undersigned Defendants shall be deemed to have joined the Motion to Dismiss.

2. The Court's Motion to Dismiss Order shall be deemed to apply to Tweeter's actions against the undersigned Defendants.

3. Tweeter retains the same rights, including the right to challenge the Motion to Dismiss Order on appeal, as if the undersigned Defendants had joined the Motion to Dismiss and the Motion to Dismiss Order had been entered in Tweeter's actions against the undersigned Defendants.

4. Tweeter's claims under Massachusetts law as brought against the undersigned Defendants are hereby dismissed with prejudice.

* * *

The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 30, 2014

Samuel L. Baskin

1 DATED: April 23, 2014

2 By: KIRKLAND & ELLIS LLP

3 /s/ Eliot A. Adelson

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30 on behalf of Tweeter Opc, LLC and Tweeter Newco,
31 LLC*

32 Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this
33 document has been obtained from each of the above signatories.